

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

JANE DOE, a minor, by and through her
mother and next friend, MOTHER DOE,

CASE NO.: 1:23-cv-23004-WPD

Plaintiff,

v.

ACADEMIR CHARTER SCHOOLS, INC.,
and SUPERIOR CHARTER SCHOOL
SERVICES, INC.,

Defendants.

JOINT SCHEDULING REPORT AND JOINT DISCOVERY REPORT

Plaintiff, JANE DOE, and Defendants, ACADEMIR CHARTER SCHOOLS, INC. and SUPERIOR CHARTER SCHOOL SERVICES, INC., pursuant to Federal Rule of Civil Procedure 26(f) and Southern District of Florida Local Rule 16.1, hereby file this Joint Scheduling Report and Joint Discovery Report. A Proposed Scheduling Order is attached as Exhibit 1.

I. Case Management Track

The parties believe this case should be placed on the standard case management track as described in Local Rule 16.1(a)(2)(B).

II. Mandatory Areas of Discussion as Required by Federal Rule of Civil Procedure 26(f)

The parties recommend that discovery be conducted as set out in Rule 26, and Local Rule 16.1, except as otherwise provided by stipulation of the parties or court order.

(A) Initial Disclosures

The parties agree to exchange the initial disclosures required by Rule 26(a)(1) on or before October 16, 2023.

(B) Discovery

The parties currently intend to seek discovery with respect to all pleadings and amendments thereto, via propounding written discovery and taking depositions. The parties consent to receive discovery requests and responses via e-mail, pursuant to Rule 5(b)(2)(E). The parties do not believe discovery should be conducted in phases.

(C) Electronically Stored Information

The parties agree that readily accessible electronically stored information will be produced in .pdf format with bates numbering pursuant to any Request to Produce, provided that such format retains all metadata from the native format. The parties agree to produce pictures and videos in their original digital format, to the extent technically feasible. To the extent electronically stored information is not readily accessible, the parties agree to follow the guidelines provided in Rule 26(b)(2)(B).

(D) Privilege and Trial-Preparation Materials

The parties do not anticipate any issues regarding claims of privilege or protection of trial-preparation materials other than those that arise in the ordinary course of any litigation. The parties agree that the standard procedures contained in Rule 26(b) will govern any such claims. The parties will confer should any privilege issues arise and attempt to professionally resolve any issues that arise before seeking court intervention.

(E) Limitations on Discovery

None at this time.

(F) Any Other Orders

At this time, the parties do not request any other orders pursuant to Fed. Rules 26(c), or 16(b) and (c).

III. Mandatory Areas of Discussion Under Local Rule 16.1

(A) The Likelihood of Settlement

The parties are presently reviewing each other's claims and defenses and will continue to make a good faith effort to explore the possibility of settlement. If the parties reach an agreement to settle the case, the parties will promptly notify the Court.

(B) The Likelihood of Appearance of Additional Parties

None that are known at this time.

(C) Proposed Limits on Time

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| <u>October 23, 2023</u> | Parties shall notify the Court of their selected mediator and time, date, and place scheduled for mediation. |
| <u>November 13, 2023</u> | Joinder of additional parties and amendment of pleadings. |
| <u>May 13, 2024</u> | Parties shall exchange written lists of expert witnesses intended to be called at trial. |
| <u>June 17, 2024</u> | Parties shall exchange written lists containing the names and addresses of all witnesses intended to be called at trial. |
| <u>July 15, 2024</u> | All fact and expert discovery shall be completed. |
| <u>July 22, 2024</u> | Mediation must be completed. |
| <u>August 12, 2024</u> | All dispositive pretrial motions, including summary judgment motions and <i>Daubert</i> motions shall be filed. |
| <u>September 16, 2024</u> | All non-dispositive pretrial motions, including motions <i>in limine</i> , shall be filed. |
| <u>October 14, 2024</u> | Joint Pretrial Stipulation must be filed. Designations of deposition testimony shall be made. |
| <u>October 14, 2024</u> | Proposed jury instructions and verdict form and/or proposed findings of fact and conclusions of law must be filed. |

(D) Proposals for the Formulation and Simplification of Issues, Including the Elimination of Frivolous Claims or Defenses and the Number and Timing of Motions for Summary Judgment or Partial Summary Judgment

The parties will attempt to work in good faith to narrow and simplify the issues for trial, to eliminate claims or defenses found through discovery to be lacking in merit, to obtain admissions of fact and of documents which will avoid unnecessary proof at trial, and to avoid unnecessary discovery.

(E) The necessity or desirability of amendments to the pleadings

None at this time. However, *see* section III(B), above.

(F) The Possibility of Obtaining Admissions of Fact and of Documents, Electronically Stored Information or Things Which Will Avoid Unnecessary Proof, Stipulations Regarding Authenticity of Documents and the Deed for Advance Rulings from the Court on the Admissibility of Evidence

The parties will work together to streamline the issues before this Court, obtain appropriate admissions and stipulations, and seek advance rulings from the Court regarding the admissibility of evidence.

(G) Suggestions for the Avoiding Unnecessary Proof and Cumulative Evidence

None at this time. However, the parties will consider stipulations, including those regarding the authenticity and admissibility of documents and undisputed facts, to narrow the issues for trial.

(H) Suggestions referring matters to Magistrate Judge or Master

The parties agree that a United States Magistrate Judge may hear and rule on matters related to discovery only. The parties do not consent to the use of a United States Magistrate Judge to rule on dispositive motions or to conduct the trial on this cause.

(I) A preliminary estimate of the time required for trial

The parties estimate that a five day trial is appropriate based on present information about the facts.

(J) Requested date for conferences before trial, final pretrial conference, and trial

The parties propose that the final pretrial conference and/or calendar call to take place on or about October 21, 2024 and propose that the trial take place during November 2024.

(K) Issues concerning disclosure, discovery, or preservation of electronically-stored information, claims of privilege or protection as trial-preparation materials, and ESI checklist

The parties intend to cooperate to the greatest extent possible concerning disclosure, discovery and preservation of electronically-stored discovery. Electronic discovery shall be produced to the requesting party in a commercially reasonable manner. If a party requests documents that are stored in an electronic format, the disclosing party may provide the requesting party printed copies of the documents or may provide the requesting party copies of the documents on CD or DVD, by e-mail, or by other electronic means. If the receiving party determines in good faith that a disclosure of a document in a printed format does not adequately allow the party to review the document, the receiving party may request that an electronic copy be provided to it.

(L) Other helpful information for setting case for status or pretrial conference:

None at this time.

DATED this 11th day of October 2023.

Respectfully submitted,

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